

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**BEFORE:**

Mr. Justice Abdul Maalik Gaddi  
Mr. Justice Adnan-ul-Karim Memon

**C.P. No.D-2092 of 2013**

Muhammad Kamran ----- Petitioner

VERSUS

Federation of Pakistan & others ----- Respondents

**C.P. No.D-2093 of 2013**

Muhammad Azam ----- Petitioner

VERSUS

Federation of Pakistan & others ----- Respondents

**C.P. No.D-2094 of 2013**

Syed Akram Ali ----- Petitioner

VERSUS

Federation of Pakistan & others ----- Respondents

**Dates of hearing & decision: 16.09.2020**

Ms. Nasim Abbasi advocate for the petitioners.  
Mr. Muhammad Arshad S. Pathan advocate for respondents  
Mr. Muhammad Humayoon Khan Deputy Attorney General

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** Since in all the captioned petitions common questions of law and facts are involved, therefore, all are being disposed of by this single order.

2. Through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the Petitioner(s), who are work charge / daily wages employees of Hyderabad Electric Supply Company, seek regularization of their services.

3. Brief facts of the case are that the petitioners were engaged by Hyderabad Electric Supply Company as “Assistant Line Man / Tube Well Operator / Helper” in the year 2013 on Work Charge / Daily Wages basis but

their services were not regularized despite the fact that they had been performing their duties against such posts which were / are permanent in nature. It is asserted that certain similarly placed employees of the respondent-Company approached were regularized but the same benefit is not being extended to the petitioners. Hence, the instant writ petitions.

4. Ms. Nasim Abbasi learned counsel for the Petitioner(s) contends that the Petitioner(s) had been serving against their post for a continuous period spreading over considerable period of time, which fact is sufficient to hold that the said posts were / are permanent in nature; that since the Petitioner(s) had served against the said posts for more than 90 days, therefore, they have attained the status of regular employees by operation of law; that Petitioner(s) have been treated discriminately by the respondent-Company and they have been deprived of their legal right of regularization without any lawful justification or reason; that all citizens are equal before law and entitled to equal protection of law as per Article 25 of the Constitution; that Federal Government has already issued directions for regularization of all the contract / daily wages / work charge employees but these directions are not being adhered to in letter and spirit; that the petitioners cannot be held disentitled for regularization on the ground that they were appointed on work charge basis for a specific period of 89 days and their period of appointments was extended time and again with one day's break; that the petitioners are entitled to the same relief which has been granted to other similarly placed employees of the respondent-company.

5. Mr. Muhammad Arshad S. Pathan learned Law Officer representing the respondent-company has opposed the instant petitions by arguing that employment of the petitioners was purely on work charge or daily wages basis; that no right of regularization is accrued due to length of service; that the petitioners were recruited for specific period of 89 days; and that employment of the petitioners was purely on temporary basis and subsequently disengaged vide office order dated 29.8.2013 as such they cannot be regularized.

6. We have heard learned counsel for the parties and perused the material placed on record.

7. From the above admitted position, the appointments of petitioners were not against regular sanctioned strength of the respondent-company, moreover their appointments were purely temporary and terminated vide office order dated 29.8.2013.

8. The petitioners, in our view, have failed to make out their case for regularization of their service as their case is neither covered under any law nor falls within the ambit of Policy of Government of Pakistan, therefore, the instant petitions are hereby dismissed along with pending application(s) with no order as to costs.

**JUDGE**

**JUDGE**

Karar-hussain/PS\*